

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 19-50722

UNITED STATES OF AMERICA,

Plaintiff - Appellee

v.

DAVERNE MICHAEL FOY,

Defendant - Appellant



A True Copy
Certified order issued Aug 28, 2019

Style W. Cayer
Clerk, U.S. Court of Appeals, Fifth Circuit

Appeal from the United States District Court
for the Western District of Texas

Before GRAVES, HIGGINSON, and WILLETT, Circuit Judges.

PER CURIAM:

This court must examine the basis of its jurisdiction, on its own motion if necessary. *United States v. Arce-Jasso*, 389 F.3d 124, 127 (5th Cir. 2004). In this criminal matter, the defendant filed a document titled “Notice of Appeal.” The document does not identify any judgment or order of the court that he wants to appeal, but only contains 14 enumerated statements.

The notice of appeal does not comply with the provisions of Rule 3 of the Federal Rules of Appellate Procedure, which require that the notice identify the judgment, order, or part thereof, that is being appealed. *See* FED. R. APP. P. 3(c). The requirement is liberally construed, but “[R]ule 3’s dictates are jurisdictional in nature, and their satisfaction is a prerequisite to appellate

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review.” *See Smith v. Barry*, 502 U.S. 244, 248 (1992); *Bailey v. Cain*, 609 F.3d 763, 765 (5th Cir. 2010). Here, the notice of appeal does not identify a judgment or order that the defendant wants this court to review. Accordingly, the appeal is DISMISSED for want of jurisdiction.

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

August 28, 2019

Ms. Jeannette Clack
Western District of Texas, Austin
United States District Court
501 W. 5th Street
Austin, TX 78701-0000

No. 19-50722 USA v. Daverne Foy
USDC No. 1:17-CR-172-1

Dear Ms. Clack,

Enclosed is a copy of the judgment issued as the mandate.

Sincerely,

LYLE W. CAYCE, Clerk

Lisa E. Ferrara

By: _____
Lisa E. Ferrara, Deputy Clerk
504-310-7675

cc w/encl:
Mr. Daverne Michael Foy
Mr. Joseph H. Gay Jr.